

10/501736

AP

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

TRACHTMAN *et al.*

Appl. No.: 10/501,736

Int'l. Filing Date: January 20, 2003

**For: Wireless Transmission with  
Variable Code Rate**

Confirmation No.: 1045

Art Unit: 2661

Examiner: *To Be Assigned*

Atty. Docket: 1487.0520000

**Information Disclosure Statement*****Mail Stop Amendment***

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent

application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

Applicants have checked the appropriate boxes below.

- 1. Statement under 37 C.F.R. 1.704(d). Each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty days prior to the filing of this information disclosure statement.
- 2. Filing under 37 C.F.R. § 1.97(b). This Information Disclosure Statement is being filed within three months of the date of filing of a national application other than a continued prosecution application (CPA), OR within three months of the date of entry of the national stage as set forth in 37 C.F.R. § 1.491 in an international application, OR before the mailing date of a first Office Action on the merits OR before the mailing of a first Office Action after the filing of a request for continued examination under 37 C.F.R. § 1.114. No statement or fee is required.
- 3. Filing under 37 C.F.R. § 1.97(c). This Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection, or Notice of Allowance, or an action that otherwise closes prosecution in the application.

a. Statement under 37 C.F.R. § 1.97(e)(1). I hereby state that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).

b. Statement under 37 C.F.R. § 1.97(e)(2). I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).

c. Attached is our PTO-2038 Credit Card Payment Form in the amount of \$\_\_\_\_\_ in payment of the fee under 37 C.F.R. § 1.17(p).

4. Filing under 37 C.F.R. § 1.97(d) This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but before payment of the Issue Fee. Enclosed find our PTO-2038 Credit Card Payment Form in the amount of \$\_\_\_\_\_ in payment of the fee under 37 C.F.R. § 1.17(p); in addition:

a. Statement under 37 C.F.R. § 1.97(e)(1). I hereby state that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).

b. Statement under 37 C.F.R. § 1.97(e)(2). I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).

5. The document(s) was/were cited in a search report by a foreign patent office in a counterpart foreign application. Submission of an English language version of the search report that indicates the degree of relevance found by the foreign office is provided in satisfaction of the requirement for a concise explanation of relevance. 1138 OG 37, 38.

6. A concise explanation of the relevance of the non-English language document(s) appears below in accordance with 37 C.F.R. § 1.98(a)(3).

7. Copies of documents AL1, AM1, AN1, AO1, AP1, AR1, AL2, AM2, AN2, AO2, AP2, AL3, AM3, AN3, AO3, AP3, AL4, AM4, and AN4 are submitted.

However, in accordance with 37 C.F.R. § 1.98(a)(2), no copies of U.S. patents and patent application publications cited on the attached Form PTO-1449 are submitted.

8. Copies of the documents were cited by or submitted to the Office in an IDS that complies with 37 C.F.R. § 1.98(a)-(c) in Application No. \_\_\_\_\_, filed \_\_\_\_\_, which is relied upon for an earlier filing date under 35 U.S.C. § 120. Thus, copies of these documents are not attached. 37 C.F.R. § 1.98(d).

9. It is expected that the examiner will review the prosecution and cited art in the parent application no(s). Great Britain Appl. No. 0201139.3, filed January 18, 2003 and PCT Appl. No. PCT/GB03/000238, filed January 20, 2003 in accordance with MPEP 2001.06(b), and indicate in the next communication from the office that the art cited in the earlier prosecution history has been reviewed in connection with the present application.

It is respectfully requested that the Examiner initial and return a copy of the enclosed Form PTO-1449, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,



STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Edward J. Kessler  
Attorney for Applicants  
Registration No. 25,688

Date: 15 June 2005

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Washington, D.C. 20005-3934  
(202) 371-2600

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		ATTY. DOCKET NO. 1487.0520000	APPLICATION NO. 10/501,736
FORM PTO-1449  <u>INFORMATION DISCLOSURE STATEMENT</u>		FIRST NAMED INVENTOR Eyal TRACHTMAN	
		INT'L. FILING DATE July 16, 2004	ART UNIT 2661

**U.S. PATENT DOCUMENTS**

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
AA1	5,912,907	06/15/1999	Stewart			
AB1	6,009,553	12/28/1999	Martinez et al.			
AC1	4,868,811	09/19/1989	Suzuki			
AD1	4,870,642	09/26/1989	Nohara et al.			
AE1	5,815,798	09/29/1998	Bhagalia et al.			
AF1	5,896,411	04/20/1999	Ali et al.			
AG1	5,98,2761	11/09/1999	Dutta			
AH1	6,141,788	10/31/2000	Rosenberg et al.			
AI1						
AJ1						
AK1						

**FOREIGN PATENT DOCUMENTS**

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
AL1	EP1189379 A1	03/2/2002	Europe			Yes
AM1	EP0998069 A2	05/03/2000	Europe			No
AN1	EP0998060 A2	05/03/2000	Europe			Yes
AO1	WO99/49592 A1	09/30/1999	PCT			No
AP1	WO97/21294 A2	06/12/1999	PCT			Yes
						No

**OTHER (Including Author, Title, Date, Pertinent Pages, etc.)**

AR	1	Fairhurst et al., "Smart codec: an adaptive packet data link," IEE Proc. Commun., Vol. 145, No. 3; pp. 180 - 185.
AS	1	
AT	1	

EXAMINER	DATE CONSIDERED
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**EXAMINER:** Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

12/03/03

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**U.S. PATENT DOCUMENTS**

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	AA2						
	AB2						
	AC2						
	AD2						
	AE2						
	AF2						
	AG2						
	AH2						
	AI2						
	AJ2						
	AK2						

**FOREIGN PATENT DOCUMENTS**

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL2	EP1158699 A2	11/28/2001	Europe			Yes No
	AM2	EP1001544 A1	11/05/2000	Europe			Yes No
	AN2	EP0772317 A2	10/31/1996	Europe			Yes No
	AO2	WO01/91407 A1	11/29/2001	PCT			Yes No
	AP2	EP1128590 A1	08/29/2001	Europe			Yes No

**OTHER (Including Author, Title, Date, Pertinent Pages, etc.)**

	AR	2	
	AS	2	
	AT	2	

EXAMINER \_\_\_\_\_ DATE CONSIDERED \_\_\_\_\_

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EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	AA3						
	AB3						
	AC3						
	AD3						
	AE3						
	AF3						
	AG3						
	AH3						
	AI3						
	AJ3						
	AK3						

**FOREIGN PATENT DOCUMENTS**

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL3	EP1126717 A1	08/22/2001	Europe			Yes No
	AM3	GB2325376 A	05/14/1997	United Kingdom			Yes No
	AN3	GB2232560 A	06/05/1989	United Kingdom			Yes No
	AO3	EP0680168 A2	04/27/1995	Europe			Yes No
	AP3	WO01/59953 A2	08/16/2001	PCT			Yes No

**OTHER (Including Author, Title, Date, Pertinent Pages, etc.)**

	AR	3	
	AS	3	
	AT	3	

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		FIRST NAMED INVENTOR Eyal TRACHTMAN	INT'L. FILING DATE July 16, 2004
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**U.S. PATENT DOCUMENTS**

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	AA1						
	AB1						
	AC4						
	AD4						
	AE4						
	AF4						
	AG4						
	AH4						
	AI4						
	AJ4						
	AK4						

**FOREIGN PATENT DOCUMENTS**

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL4	EP1179897 A2	02/13/2002	Europe			Yes No
	AM4	WO02/41520 A2	05/23/2002	PCT			Yes No
	AN4	WO01/67702 A1	09/13/2001	PCT			Yes No
	AO4						Yes No
	AP4						- Yes No

**OTHER (Including Author, Title, Date, Pertinent Pages, etc.)**

AR	4				
AS	4				
AT	4				

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